

ORDINANCE NO.17-12
AN ORDINANCE CONCERNING THE SALE AND USE
OF FIREWORKS WITHIN THE CITY OF NORWALK, IOWA,
AMENDING SECTION 41.12, NORWALK MUNICIPAL CODE.

Section 1.	Purpose.
Section 2.	<u>Fireworks</u>
Section 3.	<u>Fireworks Permit For Public Display.</u>
Section 4.	<u>Sale Of Fireworks.</u>
Section 5.	<u>Penalty.</u>
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Section 7.	<u>Severability Clause</u>
Section 8.	<u>When Effective</u>

WHEREAS, the State of Iowa has enacted a law relating to the possession, sale, transfer, purchase, and use of fireworks, providing penalties, and including effective date provisions; and

WHEREAS, Section 41.12 of the Norwalk Municipal Code currently restricts the sale, use, discharge and possession of Fireworks in a manner consistent with State Law prior to its amendment; and

WHEREAS, to avoid conflict of laws and to better protect the public health, safety and welfare of its Citizens, the City desires to create an Ordinance to effectively eliminate any inconsistent measures of both the State and the City and provide for the use of and sale of fireworks;

Be it ordained by the City Council, City of Norwalk, Iowa:

Section 1. Purpose. The purpose of this ordinance is to amend Section 41.12 of the Norwalk Municipal Code, by providing for and regulating the use and sale of fireworks in the City of Norwalk, Iowa.

Section 2. Fireworks Section 41.12, Norwalk Code is hereby amended to read as follows:

A. Definition. "Fireworks" or "Consumer fireworks" as used in this Section, shall mean those items listed or referred to under the definition of "First-class Consumer fireworks" and "Second-Class Consumer fireworks" as set forth Under Iowa Code Chapter 100.

B. A person shall not use or explode consumer fireworks on days other than June 1 through July 8 and December 10 through January 3 of each year, all dates inclusive and at times other than between the hours of 9:00 a.m. and 10:00 p.m.,

Except that on the following dates consumer fireworks shall not be used at times other than between the hours specified:

(1) Between the hours of 9:00 a.m. and 11:00 p.m. on July 4 and the Saturdays and Sundays immediately preceding and following July 4.

(2) Between the hours of 9:00 a.m. on December 31 and 12:30 a.m. on the immediate following day.

(3) Between the hours of 9:00 a.m. and 11:00 p.m. on the Saturdays and Sundays immediately preceding and following December 31.

C. A person shall not use, explode or discharge Consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property. A Person shall not use, explode or discharge Consumer fireworks on publicly owned property except as specifically authorized by permit issued pursuant to the Norwalk Code. A person that chooses to use, explode or discharge Consumer fireworks on their property shall have responsibility to clean up all debris created by the fireworks.

Section 3. Fireworks Permit For Public Display Section 41.13, Norwalk Municipal Code is hereby created to read as follows:

41.13 Fireworks Permit For Public Display

A. Supervised public exhibitions or displays of Display Fireworks as defined in Iowa Code section 727.2(1)(b) shall be conducted only in accordance with this section along with any rules and regulations issued by the Fire Chief included with the permit application.

B. Upon written application, the City may grant a permit for the use of Display Fireworks by a City agency, fair association or other organizations or groups as may be approved by the City Council and when such fireworks to be displayed are under the direct control of a licensed and competent operator. Any applications shall have attached thereto proof of insurance with limits not less than \$2,000,000.00 per occurrence and \$5,000,000.00 aggregate.

Section 4. Sale Of Fireworks Section 41.14 Norwalk Municipal Code is hereby created to read as follows:

41.14 Sale Of Fireworks

A. No person, retailer, consumer group or otherwise shall sell or display for sale any fireworks without possessing a permit from the State Fire Marshall and complying with all State, Federal and local laws.

B. Temporary sale or display for sale of fireworks is allowed through the use of temporary sale structures.

- (1) Temporary Sale Structures shall only be allowed and erected during the permitted dates for sales according to State Law.
- (2) Temporary sale structure locations shall have hard surface paved parking. The number of stalls shall be determined through zoning approval process.
- (3) The Permit fee for Temporary Sale Structure for the sale of fireworks shall be \$200.
- (4) All fireworks shall be stored in a secured and locked location during non-sale times pursuant to State Law.
- (5) Temporary sale structure owners, if not the current property owner, shall have written consent by the current property owner at the location where the structure is located.
- (6) Application for permit shall be submitted to the Community Development Department.

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Section 5. Penalty Section 41.15, Norwalk Municipal Code is hereby created to read as follows:

41.15. Penalty

A. A person, firm, partnership or corporation who violates this chapter commits a simple misdemeanor punishable by a fine of not less than \$250.00 per violation.

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Section 6. Repealer. Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Severability Clause. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 8. When Effective. This ordinance shall be in full force and effect upon final passage, approval, and publication as provided by law.

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Passed and approved this 18th day of May, 2017.

Mayor

Attest:

City Clerk

First Reading: 05/18/17

Second Reading: 05/18/17

Third Reading: 05/18/17

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